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Advancement of women

Violence against women

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 58/143 of 22 December 2003, the present report provides information on the legal and policy measures introduced by Member States and the activities undertaken by entities of the United Nations system and other organizations to address violence against women migrant workers. The report concludes with a series of recommendations for future action.

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I. Introduction

1. The General Assembly, in resolution 58/143 of 22 December 2003, while expressing deep concern at the continuing reports of grave abuses and acts of violence committed against women migrant workers, urged concerned Governments to strengthen further their national efforts to protect and promote the rights and welfare of women migrant workers, including through sustained bilateral, regional, interregional and international cooperation, by developing strategies and joint action. The Assembly set forth a series of measures to prevent violence against women migrant workers, punish perpetrators, and provide support and assistance to victims of such violence.

2. In the same resolution, the General Assembly requested the Secretary-General to report to it at its sixtieth session on the problem of violence against women migrant workers and on the implementation of the resolution, taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization, the United Nations Development Programme, the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, as well as the International Organization for Migration and other relevant sources, including non-governmental organizations.

3. The present report is submitted in accordance with the above-mentioned request and is based, inter alia, on information received from Member States and entities of the United Nations system, as well as the discussions of intergovernmental and expert bodies.

4. The issue of violence against women migrant workers was on the agenda of the General Assembly each year from 1992 to 1997. The issue has since been considered by the Assembly on a biennial basis. The Commission on Human Rights deals with the issue on a biennial basis, under the item concerning specific groups and individuals. The Commission has adopted specific resolutions on violence against women migrant workers and resolutions on the human rights of migrants.

5. Violence against women migrant workers is addressed in the Beijing Declaration and Platform for Action,[1] which calls for special measures to eliminate such violence, and for services for this group of women (e.g., see paras. 125b, 125c and 126d). The Platform includes migrant women among the groups of women particularly vulnerable to violence (para. 116). As part of the 10-year review and appraisal of the implementation of the Beijing Declaration and Platform for Action, Member States provided information on action taken to give effect to the critical areas of concern. Of the 134 responses received, 129 covered the question of violence against women. Some referred also to measures to protect migrant women from violence and abuse (see E/CN.6/2005/2 and Corr.1).

6. The World Survey on the Role of Women in Development 2004: Women and International Migration,[2] prepared by the Division or the Advancement of Women, highlighted in particular the gender dimensions of international migration. In addition to a discussion of the linkages among migration, poverty and sustainable development, the Survey inquired in particular into the gender dimensions of family and labour migration, refugee and displaced persons, human trafficking and smuggling, as well as into the gender roles and integration of migrant women in

their host communities, and put forward a series of recommendations to improve the situation of migrant, refugee and trafficked women.

II. Measures taken by Member States

7. As at 16 May 2005, 22 Member States (Argentina, Azerbaijan, Belize, Costa Rica, Croatia, Denmark, Egypt, El Salvador, Jamaica, Japan, Indonesia, Latvia, Mexico, Mongolia, Pakistan, Philippines, Slovak Republic, Switzerland, Syrian Arab Republic, Saudi Arabia, Spain and United Republic of Tanzania) and one Observer State (Holy See) had responded to the Secretary-General's request for information relating to the implementation of General Assembly resolution 58/143. The response by one Member State (United Arab Emirates) received after the deadline as input for the previous report on this subject (A/58/161), has also been reflected.

8. Many of the Member States which provided information for the present report, including Azerbaijan, Belize, Japan, Mexico, the Philippines, Saudi Arabia, Spain and the United Arab Emirates, also submitted information on legislative measures adopted to combat trafficking in women and girls.[5] Some, including Croatia, Denmark, Japan, Latvia and the Philippines, reported on the elaboration of national plans of action and/or the creation of national mechanisms to combat trafficking in women and girls. Denmark, Japan, the Holy See, Mexico and the Philippines also provided information on measures to prevent trafficking in women and girls. Belize, Denmark, Japan, the Holy See and Mexico reported on measures to provide support to victims of human trafficking.

A. Statistical information

9. Several responses highlighted the feminization of migration. Indonesia indicated that women constituted more than 70 per cent of the 350,000 Indonesian workers who migrate annually, while Jamaican women accounted for 60 per cent of the migrant labour force recorded by the Government. Mexican women constituted approximately 45 per cent of Mexican citizens living in the United States of America, mostly working in factories, workshops, domestic service, restaurants and small shops, without labour protection. On average, 15,000 Filipino women migrated annually overseas for domestic work.

10. Belize, Spain and the United Republic of Tanzania indicated that they collected data on violence against women. Denmark planned to undertake an annual statistical overview of women and children staying at women's crisis centres, and studies of rape and domestic violence were under preparation. In Jamaica and Japan, work was under way to develop methodologies for the collection of national data on female migrant workers. No statistical or other relevant data with regard to violence against women migrant workers were available in Armenia and Mongolia, although a survey of the status and consequences of Mongolian citizens working abroad had been conducted in Mongolia.

11. Azerbaijan, Croatia, Egypt and Jamaica indicated that no cases of violence against women migrant workers had been recorded.

B. Legal measures

1. International obligations

12. As at 17 June 2005, 30 States had become parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which entered into force on 1 July 2003. Of the Member States reporting, Azerbaijan, Belize, Egypt, El Salvador, the Philippines and the Syrian Arab Republic had ratified the Convention. Several Member States drew attention to their adherence to other international and regional human rights instruments and to International Labour Organization conventions relevant to the situation of women migrant workers.

2. Domestic legal measures

13. Reporting States provided general information about legislation, in particular criminal law, concerning violence against women, including women migrant workers. Under the 1999 Azerbaijan Criminal Code, rape, forced prostitution, forced pregnancy, forced sterilization or other acts involving sexual violence are punishable by deprivation of liberty for 10 to 15 years, or life imprisonment. The Federal Penal Code of the United Arab Emirates addresses violence against women, providing for the punishment of any person committing such violence. In the Syrian Arab Republic, felonies and misdemeanours against persons are dealt with in articles 533 and 554 of the Penal Code. The Sexual Offences Act 1998 of the United Republic of Tanzania provides for stiff sentences for acts of violence against women. Spain's Organic Law 1/2004 on measures of integral protection on gender violence addresses violence in a multidisciplinary, integrated manner. The Danish Minister of Justice was expected to introduce a bill in the second quarter of 2005 to amend the Administration of Justice Act so as to strengthen the legal position of victims of rape and other severe sexual crimes.

14. Several Member States enacted legislation on domestic violence. In Indonesia, Law No. 23/2004 on the elimination of domestic violence aims to ensure the safety and security of women and prevent them from becoming victims of violence, especially violence in the family. On 2 June 2004, Japan amended the Law for the Prevention of Spousal Violence and the Protection of Victims to include the possibility of court orders prohibiting the spouse to approach the victim and/or requiring the spouse to vacate the domicile. In June 2003, the Danish Parliament adopted a new act authorizing the police, in certain cases, to remove a spouse or cohabitant who displayed violent or threatening behaviour from the common home for a period of time in order to prevent further violence against other members of the household. In Belize, the Domestic Violence Act of 1993 is under review, with the aim of recommending amendments.

15. Argentina, Azerbaijan and Belize reported that they had passed laws to address sexual harassment in the workplace. For instance, article 31 of section 2 of the Azerbaijan Labour Code of September 2004, on the content of collective contracts, requires parties to a collective contract to educate the public about the inadmissibility of verbal abuse and hostile actions in the workplace and the need to take steps to prevent such acts, promote public awareness about sexual harassment in the workplace and implement measures to protect workers against such acts.

16. Some Member States reported on legislative measures that regulate migrant labour. For instance, under the 2001 Mongolian Law on Import and Export of Labour and Experts, labour contracts should be signed in conformity with international legal standards, based on the legislation of the respective countries, and contain social security provisions for migrant workers, especially women. Articles 5, 8 and 13 of the 1999 Azerbaijan Labour Migration Act regulates the modalities for hiring aliens to work in Azerbaijan, as well as Azerbaijani nationals wishing to work abroad. Owing to the high unemployment rate and unfavourable trends in the labour market, the Croatian Government established annual hiring quotas for foreigners. Based on Act 5/2004 on recruitment services, the Slovak Republic grants foreigners the same legal status as its citizens if they hold work permits and temporary residence permits for purposes of work, or if they are asylum-seekers. Civil Service Regulation No. 596/2004 grants foreigners in the Slovak Republic free access to certain public sector posts only. Ministerial report No. 1/738 of 4 July 2004, issued by the Ministry of Labour in Saudi Arabia, declared a ban on all forms of people smuggling. Armenia was working on a draft law which would regulate labour migration and which contained provisions regarding violence against women migrant workers.

17. Azerbaijan, the Slovak Republic and the Syrian Arab Republic indicated that, under their labour legislation, foreign migrant workers were not treated differently from their own citizens. A special chapter of the Azerbaijani labour code addresses the labour rights of women, including their realization.

18. Denmark's Parliament amended the Danish Aliens Act with effect from 1 July 2004. This amendment introduced a 10-year waiting period during which a foreign citizen normally cannot be granted residency on the basis of marriage to a person living in Denmark. This waiting period applies in cases in which final judgement against the foreign citizen has been passed for a crime against a former spouse or cohabitant which could have carried a punishment of imprisonment, suspended imprisonment or another criminal sanction that involves or allows deprivation of liberty.

19. In accordance with articles 7 and 8 of Argentina's recently adopted Law No. 25871, migrants living in the country have the right of access to health and education, independent of their migration status.

20. Indonesia had organized consultations and workshops aimed at harmonizing national laws with international instruments on the elimination of violence against women, in particular general recommendation 19 of the Committee on the Elimination of Discrimination against Women, on violence against women,[4] and the Declaration on the Elimination of Violence against Women.

C. Policy measures

1. National strategies and mechanisms

21. In Denmark, Indonesia, the Slovak Republic and the United Republic of Tanzania, national strategies to combat violence against women are in place. Denmark reported that its national plan of action on violence against women has a special focus on ethnic minority women. The plan of the Slovak Republic also addresses migrant women. El Salvador's programme for the promotion of mental

health and integral well-being includes measures to educate women workers, including women migrant workers about domestic violence. Costa Rica is working towards the establishment of policies for the promotion of the rights of migrant workers to health and education.

22. Some Member States reported on the establishment of mechanisms to coordinate activities on violence against women and/or on migration. The Indonesian National Commission on Violence against Women, established in 1998, addresses violations of women's human rights in general, and violence against women in particular. Belize has set up a multisectoral committee to develop a plan of action on violence against women and to assist in monitoring its implementation. In Mexico in 2004, the National Institute on Migration and the National Institute on Women (INMUJERES) signed a general agreement to strengthen coordinated action on the promotion and protection of the human rights of women workers, including women migrant workers. In Costa Rica, institutional coordination is in place to better promote and protect the rights of migrant workers. The Pontifical Council of the Pastoral Care of Migrants and Itinerant People of the Holy See, which for many years has worked to promote the well-being of migrants and itinerant peoples, recently addressed specific forms of violence directed at women migrants.

2. Prevention measures

23. Belize, Denmark, El Salvador, Jamaica, Mexico, the Philippines and the United Republic of Tanzania carried out awareness-raising initiatives and information campaigns on violence against women in print, electronic and other media. These included the production of publications, brochures, pamphlets, posters, magnets and pencils, the broadcasting of public announcements via radio, television and newspapers, and the screening of television programmes and documentaries. For instance, Denmark reported implementing a series of awareness-raising initiatives with a specific focus on ethnic minority women, including: an information campaign on gender equality to inform this group of women of their rights in relation to the labour market, marriage and violence; a public campaign on halting violence against women aimed at disseminating information in different languages on where to seek help in cases of violence; a campaign aimed at sensitizing men to the issue of violence against women; outreach to women's shelters to raise awareness about the specific problems faced by women from ethnic minorities and their children; and a series of television programmes about domestic violence, including special themes concerning foreign women and wife battering.

24. El Salvador produced a popular version of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in order to raise awareness of the rights of migrant workers. A documentary was produced with the support of the Ministry of Foreign Affairs and the International Organization for Migration to sensitize the general population about the risks of undocumented migration. The United Republic of Tanzania translated into user-friendly language and widely disseminated to the general public international and national legal texts, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Land Act No. 4 and Village Land Act No. 5 of 1999. It also sensitized women and men about the Sexual Offence (Special Provisions) Act of 1998, which resulted in women and men filing cases of violations of their rights. Mexico undertook a series of public awareness initiatives, including a campaign on women migrants, to raise awareness about the human rights of

migrant women and to reflect upon the living conditions of Mexican women migrant workers living in the United States of America. Costa Rica was working on strategies to educate the general public about the positive contribution of migrant workers and to prevent discrimination against them.

25. The Philippines provided information on safe migration to all prospective migrant workers through the Philippine Overseas Employment Administration. Mandatory pre-departure orientation seminars, pre-employment orientation seminars, travel advisories, comprehensive orientation seminars for entertainers and special courses for women in vulnerable jobs, such as domestic workers and performing artists, were conducted on a regular basis. Similarly, Saudi Arabia provided to all immigrant women and men guidebooks containing information on the human rights of migrants.

26. Azerbaijan, Belize, El Salvador, Indonesia and Jamaica have carried out capacity-building activities to train governmental officials, law-enforcement agents, police officers, social workers, community leaders and other professionals on the issue of violence against women migrant workers. For instance, a national workshop was organized by the Ministry of Foreign Affairs of El Salvador, in coordination with the Institute of Human Rights of the University of Central America José Simeón Cañas to sensitize representatives of various institutions about the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ways to harmonize national legislation with the Convention. Jamaica, with the assistance of the International Organization for Migration, carried out a migration management programme in order to build the capacity of governmental officials to manage migration effectively. Belize has trained police officers, social workers and community leaders in the dynamics of family violence and basic intervention techniques. Moreover, a domestic violence training manual has been initiated and was expected to be published in the latter part of 2005.

27. Some countries implemented measures to improve police response to violence against women migrant workers. For instance, Belize set up family violence units at major police stations nationwide.

28. Other activities to prevent violence against women migrant workers were reported by Denmark, where, since 2003, the police have offered assault alarms for women at risk of being abused. These devices, when activated, send the victim's location directly to a control centre for relay to the nearest police station. Since 2004, inmates of Danish prisons convicted of crimes of violence and who have displayed continued violent behaviour have been offered treatment in anger management. The Ministry of Justice is considering making such treatment mandatory as a condition for a suspended sentence for violence. Jamaica established Jamaican liaison services in the United States of America and Canada to ensure, inter alia, proper work conditions for and protection of Jamaican migrant workers. In order to improve the management of labour migration and avoid situations of abuse, Jamaica was working to implement a programme to strengthen border control systems.

3. Measures of support

29. Denmark, Indonesia, Pakistan, the United Republic of Tanzania and Saudi Arabia reported the establishment of shelters and crisis centres. For example, three

crisis centres were established in Pakistan — in Sahiwal, Vehari and Karachi — to provide assistance to women in distress. Denmark reported the establishment of a nationwide network of crisis centres for persons exposed to forced marriage and two shelters for children and young women of an ethnic minority background who had been exposed to forced marriages or who needed support owing to other family conflicts. El Salvador was raising funds to establish a shelter for migrants and victims of human trafficking.

30. Denmark, Indonesia and Pakistan established, or planned to establish, telephone hotlines to provide assistance to women victims of violence. Access to legal counselling and assistance for victims of violence was available in Denmark, Mexico, Pakistan, Spain and the United Republic of Tanzania. Programmes to provide victims of violence with psychological, social and medical assistance existed in Denmark, Mexico, Pakistan, Saudi Arabia and Spain. The Ministry of Health of Belize developed a protocol for the management of family violence cases at hospitals and health centres. The Mexican National Institute of Migration, with the support of the Mexican Red Cross, established a programme of humanitarian support to vulnerable people, which included the installation of two mobile clinics in the areas of San Luis Río Colorado, Sonoyta, Sásabe and Naco in the state of Sonora where there has been the largest number of migrant deaths along the border with the United States of America.

31. Some Member States, such as Costa Rica and the Slovak Republic, have carried out programmes and projects aimed at facilitating the integration of immigrants into the host society, including through the revision of school curricula and sensitization measures on multiculturalism. The Holy See reported on support activities for women migrant workers victims of violence, implemented by Catholic agencies.

4. Bilateral, regional and international cooperation

32. Argentina, Costa Rica, El Salvador, Indonesia and Mexico reported the conclusion of bilateral agreements to facilitate orderly migration and enhance cooperation in the promotion and protection of the rights of women migrant workers. At the regional level, Argentina in December 2002, signed the agreement on residency for nationals of Mercosur, Bolivia and Chile and the agreement on regularization of nationals of Mercosur, Bolivia and Chile. The former allowed for the freedom of nationals of Mercosur, Bolivia and Chile to reside in any of the States which had signed the agreement.

33. Jamaica was working to enhance cooperation with international organizations, such as the International Organization for Migration, the Organization of American States and the International Labour Organization. In July 2004 and February 2005, the Ministry of Foreign Affairs of Japan and the International Organization for Migration co-hosted a symposium on the migration of people beyond national borders. Denmark was establishing a network of embassies to act as bridge builders between national authorities and women and assist with the practical arrangements for the travel of women to their home countries.

III. Measures taken by United Nations intergovernmental bodies

34. Since the adoption of General Assembly resolution 58/143, a number of intergovernmental bodies of the United Nations system have continued work on violence against women migrant workers. Their activities are summarized below.

A. Commission on Human Rights

35. At its sixtieth session, held from 15 March to 23 April 2004, the Commission on Human Rights addressed the situation of women migrants in several resolutions. Specifically, in resolution 2004/49 on violence against women migrant workers, the Commission called upon all Governments to take all necessary measures to ensure the full enjoyment of human rights by women migrant workers and encouraged them to seek ways to eliminate causes that put them at risk. The Commission also called upon concerned Governments to undertake a series of measures, including penal sanctions to punish traffickers and perpetrators of violence against women migrant workers, providing assistance to victims of violence and trafficking, such as counselling, legal and consular assistance, temporary shelter and other measures that would allow them to be present during the judicial process, safeguarding their dignified return to their country of origin and establishing reintegration and rehabilitation schemes for returning women migrant workers.

36. In resolution 2004/53, on the human rights of migrants, the Commission drew attention to the particular situation of women and children and the need to promote and protect their human rights and fundamental freedoms, regardless of their migratory condition. Measures called for include information campaigns to clarify opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk.

37. In resolution 2004/46, on the elimination of violence against women, the Commission expressed its deep concern that some groups of women, including migrant women, might be targeted or vulnerable to violence.

38. In resolution 2004/25, on the right to education, the Commission drew attention to obstacles limiting effective access to education, notably by girls, among them migrant children. The Commission also adopted resolution 2004/56, on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

39. At its sixty-first session, held from 14 March to 22 April 2005, the Commission adopted resolutions on the right to education (2005/21), elimination of violence against women (2005/41) and the human rights of migrants (2005/47), which also addressed migrant women and girls.

40. A number of special rapporteurs of the Commission on Human Rights devoted attention to the situation of women migrant workers. The Special Rapporteur on the human rights of migrants, in a report to the Commission at its sixty-first session (E/CN.4/2005/85 and Corr.1), expressed concern about the vulnerability of migrant women to abuse, violence and violations of their human rights. In her assessment, women migrants were at greater risk than men of discrimination and abuse and

suffer double discrimination as women and as foreigners, compounded in some cases by their illegal status. The Special Rapporteur considered that a better understanding of the problems of women and international migration required improvements in the collection, dissemination and analysis of the kind of data that could explain the causes and consequences of those problems, thus providing a firm basis for appropriate policies and programmes.

41. The Special Rapporteur devoted particular attention to the situation of women migrant domestic workers in a report to the Commission at its sixtieth session (E/CN.4/2004/76). In her assessment, the growing demand for household help in developed countries had led to a rise in the number of initiatives and agreements to facilitate female migration for domestic employment, and in spontaneous migration by women. She observed that, by and large, such initiatives could not guarantee decent conditions of employment and respect for the fundamental rights of female migrant domestic workers. She observed also that many women migrant domestic workers end up being sexually abused by the employer, his children or family members, or by other domestic workers living in the same house, and that many were obliged to remain in the home and were repeatedly sexually violated. There were also reports of large numbers of suicides among female migrant domestic workers, who frequently suffered from depression. Moreover, she noted that women who migrated as domestic workers ran a high risk of being victims of trafficking, primarily because of absence of a written contract of employment and that women migrating under such conditions often discovered upon arrival that they had been recruited for a different job from that agreed upon.

42. The Special Rapporteur on violence against women, its causes and consequences, in a report to the Commission at its sixty-first session (E/CN.4/2005/72 and Corr.1), analysed the interconnections between violence against women and HIV/AIDS, considering violence both as a cause and a consequence of HIV. Throughout the report, she placed emphasis on the intersectionality of violence against women and HIV, as well as the multiplicity of types of discrimination experienced by women living with HIV, particularly by migrant, refugee, minority and other marginalized groups of women. The Special Rapporteur underlined the need to apply an integrated approach to tackle the impact of gender inequality, while at the same time reaching specific risk groups.

43. The Special Rapporteur on trafficking in persons, especially women and children, in a report to the Commission at its sixty-first session (E/CN.4/2005/71), outlined the content and scope of her mandate, the legal framework for her action and proposed methods of work. As irregular migrants may become victims of trafficking, she intends to consider the links among migration, trafficking and counter-terrorism. The Special Rapporteur also intends to take action in cases in which efforts to combat or prevent trafficking may have an impact on the human rights of the persons concerned, be they migrants, asylum-seekers or citizens.

B. Human rights treaty bodies

44. In the period under review, some of the treaty bodies established under international human rights instruments addressed issues related to migration, including the enjoyment of human rights by migrant workers and their families, as well as the situation of trafficked women and children. The specific issue of

violence against women migrant workers was taken up primarily by the Committee on the Elimination of Discrimination against Women at its twenty-eighth to thirty-first sessions.[5]

45. The Committee on the Elimination of Discrimination against Women voiced concern about the increasing number of women who migrated or emigrated to escape from poverty, and who could become victims of various forms of violence, exploitation and trafficking. The Committee was concerned about discrimination suffered by immigrant, refugee and minority women and girls, particularly with respect to education, health, employment and violence against women, and in regard to residency status. It addressed the situation of foreign women who experienced domestic violence but who did not seek assistance as their residency permits were linked to those of their spouses. The Committee called for measures to alleviate poverty, to protect women migrant workers and to eliminate discrimination against refugee, migrant and minority women and girls, including in regard to their residency status.

46. The Committee on the Elimination of Racial Discrimination addressed related issues at its sixty-sixth session,[6] and was concerned about the mandatory detention of illegal migrants, including asylum-seekers, in particular when such detention affected women, children, unaccompanied minors and those considered stateless. It was also concerned about the situation of women migrant domestic workers, their working conditions and legal protection. The Committee addressed the situation of women belonging to vulnerable groups and also considered instances of multiple discrimination. The Committee called for the review of detention policies, effective measures to prevent and redress the problems faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and measures to address the special needs of women belonging to minority and other vulnerable groups, in particular female travellers, migrants, refugees and asylum-seekers.

47. The Committee on Economic, Social and Cultural Rights, at its thirty-third session, raised issues of ill-treatment, particularly of migrant women, at the hands of their spouses or partners, which often remained unreported for reasons of economic dependency and fear of deportation (see E/2005/22). The Committee called for effective support measures for victims of domestic violence, especially migrant women with precarious residency status. The Committee also called for alternative means to combat the phenomenon of forced marriage involving immigrant women.

48. The Committee on the Rights of the Child, at its thirty-seventh session, addressed the situation of children, especially girls, working on the street and as domestic servants in conjunction with smuggling of migrants and trafficking in persons and ineffective implementation of labour laws and mechanisms to control child labour (see CRC/C/143). The Committee recommended several measures to address the situation, including the strengthening of cooperation with countries from which cross-border child labour originated in order to combat the economic exploitation of those children.

IV. Measures taken by entities of the United Nations system

49. A number of entities of the United Nations system provided information on their efforts to combat violence against women migrant workers.

A. Division for the Advancement of Women, Department of Economic and Social Affairs

50. The issue of violence against women migrant workers was a priority area of work for the Division for the Advancement of Women during the period under review. The Division completed the World Survey on the Role of Women in Development 2004: Women and International Migration[2] for submission to the General Assembly. As part of the preparatory process, the Division organized a consultative meeting on mobility and how it affects women in Malmö, Sweden, in 2003, which brought together experts from various regions to discuss the gender aspects of migration. The World Survey was launched on 3 March 2005 at a panel discussion organized by the Division during the forty-ninth session of the Commission on the Status of Women.

51. The Division participated in the second coordination meeting on international migration, organized by the Population Division of the Department of Economic and Social Affairs and held in New York on 15 and 16 October 2003, and made a written contribution and oral presentation on the issue of trafficking in women and girls. The question of violence against women migrant workers will also be addressed in the in-depth study on violence against women, requested by the General Assembly in its resolution 58/185 of 22 December 2003.

B. Economic Commission for Africa

52. The Economic Commission for Africa addressed violence against women through reports and workshops on human rights education, as well as initiatives to raise awareness of violence against women and girls. However, no specific activity focusing on women migrant workers was undertaken during the period under review.

C. Economic Commission for Europe

53. The Economic Commission for Europe, in April 2005, hosted the expert group meeting on the theme "Violence against women: a statistical overview, challenges and gaps in data collection and methodology and approaches to overcome them", organized in collaboration with the Division for the Advancement of Women and the World Health Organization. The meeting developed recommendations for improving the quality and availability of data at the national level. The Commission is planning follow-up work.

D. Economic Commission for Latin America and the Caribbean

54. The Economic Commission for Latin America and the Caribbean organized the Hemispheric Conference in International Migration: Human Rights and the Traffic in Persons in the Americas, held in Santiago in November 2002. The Conference aimed at strengthening cooperation among Governments in the field of international migration to help identify mechanisms for protecting and promoting the human rights of migrants and for combating and preventing trafficking in persons. The Commission also organized, in collaboration with the United Nations Population

Fund, a side event about migration during the ninth session of the Regional Conference on Women in Latin America and the Caribbean, held in Mexico City in June 2004.

55. The Commission prepared a number of publications on the issue of international migration, including the publication entitled *In Search of Work: International Migration of Women in Latin America and the Caribbean: Selected Bibliography*.[7]

E. Economic and Social Commission for Western Asia

56. The Economic and Social Commission for Western Asia (ESCWA) compiled information on the implementation of the United Nations Convention against Transnational Organized Crime and the related Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in the ESCWA region. ESCWA prepared a report on the positive changes in each country of the region with regard to the implementation of the Protocol, and identified possible areas of cooperation between ESCWA and the United Nations Office on Drugs and Crime.

F. Economic and Social Commission for Asia and the Pacific

57. The Economic and Social Commission for Asia and the Pacific (ESCAP), organized a Subregional training workshop on the elimination of violence against women in partnership with men, held in New Delhi in December 2003. Moreover, the ESCAP regional high-level intergovernmental meeting, held in September 2004 to review the implementation of the Beijing Declaration and Platform for Action, adopted the Bangkok Communiqué which mentioned the lack of policies, legislations and programmes to protect the human rights of women migrant workers as a gap to be acknowledged in the implementation of the Platform in the Asia and Pacific region. A paper entitled "Moving Beijing forward: Gaps and challenges: violence against women and trafficking" was prepared for the high-level meeting. A discussion paper entitled "Women in international trade and migration: examining the globalized provision of care services", has recently been published.

58. During the period under review, ESCAP has been working in partnership with a network of non-governmental organizations working on migration issues in the Asia and Pacific region (the Migrant Assistance Programme) on initiatives related to human trafficking. ESCAP is currently working on the organization of an expert group meeting on the promotion and implementation of the Convention on the Elimination of All Forms of Discrimination against Women, with particular emphasis on violence against women and trafficking in women, to be held in Bangkok in October 2005.

G. United Nations Development Programme

59. The United Nations Development Programme (UNDP) implemented several activities on migration and human trafficking. For instance, in Belarus, a joint initiative of UNDP and the European Union aimed at strengthening the national

capacity and coordination of governmental agencies to combat trafficking in women and reduce illegal migration both into Belarus and the European Union.

60. The UNDP Regional Centre in Bratislava undertook an analytical study based on recent surveys to explore links between trafficking and human development. The study was carried out by experts in the areas of economic migration, poverty and human development and connected with the Academy of Science, Russian Federation. It called for a review of the existing restrictive migration policies that allowed for trafficking and for effective prevention strategies to address the root causes of trafficking.

61. In Nepal, the joint United Nations initiative on trafficking, led by UNDP, resulted in the establishment of the Office of the National Rapporteur on Trafficking. The annual report of the Office for 2004 focused on conflict and trafficking, and made visible the links among trafficking, migration and sex work and the nexus with HIV/AIDS as a result of armed conflict. Advocacy efforts were undertaken to increase closer cooperation and coordination among countries members of the South Asian Association for Regional Cooperation and to pave the way for the establishment of a regional rapporteur on trafficking in women and children.

H. United Nations Development Fund for Women

62. The United Nations Development Fund for Women continued its Asia and Pacific and Arab States regional programme on migration, launched in 2001. This programme, carried out in Bangladesh, Cambodia, Indonesia, the Lao People's Democratic Republic, Nepal and the Philippines as countries of origin, and China (Hong Kong), Jordan and Thailand as countries of destination, focuses on poor women migrant workers, especially domestic workers. It is aimed at empowering women migrant workers by helping to create an enabling policy and an institutional and socio-economic environment to ensure equal access of women to opportunities, resources and benefits at all stages of the migration process. At the global and regional levels, the programme succeeded in, inter alia, building a knowledge base on trends in women's migration in the Asian region, addressing migration from a gender perspective, and creating regional policy dialogue between countries of origin and countries of destination on forms of protection for women migrant workers. At the national level, the programme succeeded in bringing about some legislative and policy changes in Jordan, Indonesia and Nepal.

I. United Nations Educational, Scientific and Cultural Organization

63. The United Nations Educational, Scientific and Cultural Organization (UNESCO) addressed violence against women migrant workers in the context of human trafficking and forced labour. In 2002, UNESCO in partnership with the Institute of Sociology of the Chinese Academy of Social Sciences, began a project, "Together with migrants", aimed at promoting the integration of women migrant workers in the urban, social and economic fabric of society through training in life and basic skills, vocational training, career counselling, family planning, health and rights. In recent years, the project has broadened its partnerships to include contemporary Chinese artists in order to encourage, through contemporary art, non-

discriminatory public perceptions of women migrant workers. UNESCO also implemented several projects on the issue of trafficking in women and girls in Western Africa and Asia.

J. International Labour Organization

64. The International Labour Organization (ILO) in May 2005 published a global report, *A Global Alliance against Forced Labour*, in follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005. The report looked at the emerging forms of forced labour that affect migrant workers, particularly irregular migrants in rich and poor destination countries, and identified poverty and discrimination based on sex and ethnic origin as major determinants of human trafficking.

65. As part of its efforts to address the social dimensions of globalization, ILO focused on the interlinkages among forced labour, child labour, illegal migration and trafficking. ILO derived its mandate against trafficking from a wide range of relevant conventions, particularly those on forced and child labour, and the protection of migrant workers, in addition to a wealth of other instruments on equality of rights, labour inspection, employment services and employment policy, among others.

V. International Organization for Migration

66. The International Organization for Migration (IOM) has been particularly concerned about the interrelationship between gender-based violence and migration, one manifestation of which was trafficking in women and girls. IOM continued to raise the profile of trafficking and violence against women migrants in the international arena, assisting Governments in combating trafficking in women, and helping victims of trafficking.

67. IOM provided assistance to Governments in the various fields enumerated in General Assembly resolution 58/143, including training and capacity-building; strengthening of legislation and other mechanisms at the national level, facilitation of bilateral and multilateral cooperation, and data collection, research and dissemination.

68. IOM implemented several projects relevant to women migrant workers in various countries, including: training of female border guards in Azerbaijan; preventing trafficking through counselling and self-employment services in Ethiopia; establishing a migration information centre for the prevention of irregular migration and the trafficking of human beings in Hungary; mitigating the irregular migration of Congolese women in Kinshasa through community stabilization initiatives in the Democratic Republic of the Congo; initiating awareness-raising on the rights and welfare of migrants for governmental officials, employers, migrants and host community members in Thailand; and capacity-building for the protection of vulnerable labour migrants in Asia.

VI. Conclusions and recommendations

69. Violence against women migrant workers remains an issue of concern for Member States and entities of the United Nations system. While no specific legislation on violence against women migrant workers was adopted by Member States in the period under review, legislation to protect women from all forms of violence and to prevent discrimination and sexual harassment in relation to employment also benefits migrant women. Some efforts are under way to better regulate labour migration, including regulations to protect women migrant workers from violence. Policy measures, such as national strategies and national coordinating mechanisms to combat violence against women, as well as prevention strategies and measures of support for victims of violence, also benefit migrant women. In addition, a number of countries have put in place targeted measures directed at either migrant women workers or immigrant women in general, such as support services for immigrant women victims of violence. A number of countries of origin and destination of migrant labour have concluded bilateral and regional agreements to regulate the employment of workers, and have participated in international initiatives aimed at enhancing cooperation in the promotion and protection of the rights of women migrant workers.

70. However, no information was provided on the impact of the measures taken, on trends in violence against women migrant workers, or on surveys that might have been conducted on this issue. Given that migrant women engage in many different types of work, at different levels of skill (agriculture, textile industry, domestic work, health and social services, tourism (see World Survey on the Role of Women in Development 2004: Women and International Migration)), more information is needed on the settings in which violence occurs, or the use by migrant women in general, and migrant women workers in particular, of the support services that may be available.

71. Intergovernmental and expert bodies, as well as entities of the United Nations system, have continued to include the situation of women migrant workers in their work, with a view, inter alia, to preventing violence against this group of women. Further efforts are needed to ascertain the scope and impact of measures taken so as to ensure that, on the one hand, women migrant workers can fully enjoy their rights and on the other, abuse and violence against them is effectively combated.

72. To more effectively prevent and eliminate violence against women migrant workers, greater efforts are needed to assess the effectiveness of general legislative measures and of policy, prevention and support measures on violence against women in regard to women migrant workers who are victims, or are at risk of becoming victims, of violence. Attention needs to be given to the effectiveness of such measures in preventing the different forms of violence experienced by migrant women in the workplace and in family and community settings.

73. States should more systematically put in place targeted prevention measures, including comprehensive awareness-raising initiatives, to educate migrant women and the general public about the rights of women migrant workers. Education campaigns should highlight the positive contribution made

by women migrant workers, especially to dispel misinformation that leads to xenophobic and racist responses in destination countries and which can put migrant women at risk of violence and abuse.

74. **States should ensure that training is provided for governmental officials, law-enforcement agents, police officers, social workers, community leaders and other professionals likely to come into contact with migrant workers so as to sensitize them to the issue of violence against women migrant workers. Greater efforts are needed to strengthen labour laws and enforce employment contracts aimed at protecting migrant workers. Effective measures of support for women migrant victims of violence should also be put in place, including access to shelters, legal aid and medical, psychological, social and economic assistance.**

75. **Measures to combat violence against women migrant workers should be continuously monitored, their impact assessed and further corrective measures taken. Research, surveys and data collection should be improved so as to better understand the phenomenon and design more effective and sustainable responses.**

76. **Efforts are also needed to improve access to legal channels for migration so as to reduce the vulnerability of women seeking to migrate to exploitation, ill-treatment and trafficking. This is particularly important given the current widespread phenomenon of undocumented migration. As women try to reach destination countries, they often suffer from violence and abuse. States should ensure respect for and protection of the human rights of women migrants, irrespective of their immigrant status. Of particular importance is the need to further explore the links between migration and trafficking and to address the two issues accordingly, with a particular focus on the need to protect women from all forms of violence. States, entities of the United Nations system and civil society should be encouraged to place enhanced emphasis on clarifying these links so as to contribute to the development of more effective policies.**

77. **An approach that respects and promotes human rights should guide access to residency and citizenship so that women migrant workers and their families can regularize their status in the host country within a reasonable time period. Residency status independent of that of male family members would enable women migrant workers to integrate more easily with host communities, and would contribute to preventing violence, abuse and exploitation.**

78. **Governments should be encouraged to ratify international instruments which address migration issues, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and its two Protocols, and all relevant ILO conventions. Furthermore, the special rapporteurs of the Commission on Human Rights on the human rights of migrants, on violence against women, its causes and consequences, and on trafficking in persons, especially women and children, as well as all human rights treaty bodies, should be invited to continue to pay particular attention to the situation of women migrant workers.**

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[2] United Nations publication, Sales No. E.04.IV.4.

[3] The report of the Secretary-General on trafficking in women and girls, requested by the General Assembly in resolution 59/166 of 20 December 2004, will be submitted to the sixty-first session of the General Assembly.

[4] See *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38* (A/47/38), chap. I.

[5] Ibid., *Fifty-eighth Session, Supplement No. 38* (A/58/38) and ibid., *Fifty-ninth Session, Supplement No. 38* (A/59/38).

[6] Ibid., *Sixtieth Session, Supplement No. 18* (A/60/18).

[7] *Women and Development* series, No. 51, LC/L.2028-P (United Nations publication, Sales No. E.03.II.G.196).